

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 United States of America,

4 Plaintiff

5 v.

6 Reginald Penro,

7 Defendant

Case No.: 2:19-cr-00042-JAD-GWF

**Order Denying Motion for Early
Termination of Supervised Release**

[ECF No. 10]

8 Reginald Penro is 31 months into a 5-year term of supervision after completing a 150-
9 month sentence for conspiracy to manufacture, distribute, and possess crack cocaine, resulting in
10 death.¹ Though he was sentenced in the Southern District of Iowa, Penro's supervision was
11 recently transferred to Nevada.² Penro now moves for early termination of his supervision
12 period, citing his full compliance with all conditions of supervision.³ The government opposes
13 the motion, noting that full compliance is what is expected of supervisees and does not warrant a
14 three-and-a-half-year break on Penro's supervisory term.⁴ Though I am encouraged by Penro's
15 performance, his full compliance is expected, and he has not established a basis for early
16 termination, so I deny his motion.

17 **Discussion**

18 A court may terminate a term of supervised release after the first year of release when it
19 "is satisfied that such action is warranted by the conduct of the defendant released and in the
20

21 _____
22 ¹ ECF No. 1; ECF No. 2.

23 ² ECF No. 2.

³ ECF No. 8 at 2.

⁴ ECF No. 9.

1 interest of justice.”⁵ This requires the court to evaluate certain sentencing factors set forth in 18
2 U.S.C. § 3553(a), which include the nature and circumstances of the offense; the defendant’s
3 history and characteristics; the need to deter criminal conduct, protect the public from the
4 defendant’s further crimes, and give the defendant needed resources that the probation office can
5 provide; the sentence and sentencing range; and the need to avoid unwarranted sentencing
6 disparities.⁶ Early termination is rare, and the defendant must show that he is entitled to it.⁷
7 “This is usually accomplished by alerting the district court to ‘unforeseen’ or ‘changed
8 circumstances’ that implicate [the] initial sentencing decision and analysis.”⁸ Penro has not met
9 this burden.

10 Penro explains that he has complied with the terms of his probation and is gainfully
11 employed.⁹ Though he has been compliant with the terms of his supervision, full compliance is
12 expected and insufficient to prove that termination is appropriate.¹⁰ And while I appreciate that
13 he has continued to be a mentor to his son and “a host of nieces and nephews,”¹¹ he has not
14 demonstrated a reason that would justify departing from the original terms of his supervised
15 release, so I deny this motion.

18 ⁵ *United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014) (quoting 18 U.S.C. § 3583(e)(1)).

19 ⁶ 18 U.S.C. §§ 3583(e)(1); 3553(a)(1), (a)(2)(B)–(D), (a)(4)–(7).

20 ⁷ *Emmett*, 749 F.3d at 824 (Nguyen, J., dissenting); see *United States v. Weber*, 451 F.3d 552,
559 n.9 (9th Cir. 2006).

21 ⁸ *Emmett*, 749 F.3d at 824 (quoting *United States v. Miller*, 205 F.3d 1098, 1101 (9th Cir. 2000)).

22 ⁹ ECF No. 8 at 2.

23 ¹⁰ See *United States v. Misraje*, 888 F.3d 1113, 1116 (9th Cir. 2018) (“It is a supervisee’s
obligation to strictly comply with the terms of supervised release.”).

¹¹ ECF No. 8 at 2.

1 **Conclusion**

2 IT IS THEREFORE ORDERED that Penro's motion for early termination of supervised
3 release **[ECF No. 8] is DENIED.**

4
5 
6 U.S District Judge Jennifer A. Dorsey
7 July 16, 2021
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23